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SUMMARY RECORD OF THE 68th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 10 March 1994, at 4 p.m.

Chairman: Mr. van WULFFTEN PALTHE

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The meeting was called to order at 4.30 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS RELATING TO AGENDA ITEM 11

Draft resolution E/CN.4/1994/L.75/Rev.1 (Effective functioning of the various mechanisms established for supervising, investigating and monitoring the implementation of the treaty obligations entered into by States in regard to human rights and the implementation of the existing international standards in this regard)

1. Mr. MORA GODOY (Cuba), introducing the draft resolution on behalf of its sponsors, said that, after consultations with the delegations concerned, his delegation proposed to delete the words "without prejudging the approach of the Chairman to the reorganization of work and reclustering of the agenda" from paragraph 1 of the text.

2. The CHAIRMAN said he was sorry that the sponsors of the draft resolution were deleting that phrase, which he himself had proposed. While he supported the principle of consensus in the adoption of draft resolutions, he found it surprising that the Commission should decide on the matter without mentioning its Chairman's contribution to the discussion of the restructuring of the agenda and without considering the possibility of organizing inter-sessional meetings on the matter. However, if he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1994/L.75/Rev.1 by consensus.

3. Draft resolution E/CN.4/1994/L.75/Rev.1 was adopted without a vote.

4. The CHAIRMAN invited delegations to present their explanations of vote for all resolutions tabled under agenda item 11.

5. Mr. KHOURY (Syrian Arab Republic) said that his country had joined the consensus on draft resolution E/CN.4/1994/L.39/Rev.1 (Human rights and terrorism). While the Syrian Arab Republic had always condemned terrorism, it made a distinction between terrorist acts and the legitimate struggle of peoples under foreign occupation. It hoped that the Sub-Commission would take that distinction into account in carrying out the study requested in the resolution.

6. Mr. EICHER (United States of America) said that his delegation had joined the consensus on draft resolution E/CN.4/1994/L.39/Rev.1 because his country adamantly condemned terrorism in any part of the world. The United States supported all measures taken by States and, in particular, Peru, with a view to bringing terrorists to justice.

7. With regard to draft resolution E/CN.4/1994/L.64 (Proclamation of a decade for human rights education), his delegation welcomed the efforts of the Costa Rican delegation to ensure that the opinions of the various delegations concerned were taken into account. While the United States was in favour of human rights education, it was concerned by the proliferation of decades at a time when the Organization's resources were relatively limited.

8. On the other hand, his delegation had voted against draft resolution E/CN.4/1994/L.76 (Composition of the staff of the Centre for Human Rights) because it felt that the Secretary-General's mandate already gave him broad powers to regulate all matters concerning United Nations staff members under Article 101, paragraph 3, of the Charter of the United Nations. It was not for the Commission to manage the secretariat.

9. Mr. FLINTERMAN (Netherlands) said that his country had supported the consensus on draft resolution E/CN.4/1994/L.72/Rev.1 (Internally displaced persons). His delegation, which attached the greatest importance to the protection of displaced persons, would have preferred a more complete and concrete resolution including, for example, a reference to General Assembly resolution 48/116. It requested the Office of the United Nations High Commissioner for Refugees (UNHCR) to initiate consultations on the matter with the Secretariat Department of Humanitarian Affairs, the Representative of the Secretary-General on Internally Displaced Persons and the international organizations concerned.

10. Mr. STEEL (United Kingdom) said that his country had supported the consensus on draft resolution E/CN.4/1994/L.39/Rev.1 (Human rights and terrorism) because the United Kingdom unequivocally condemned all terrorist acts, wherever committed. However, his delegation would have preferred the resolution to give greater emphasis to the fact that the victims of terrorist acts were, in reality, victims of human rights violations. Moreover, it must not be forgotten that, even in the face of terrorism, Governments remained responsible for ensuring respect for human rights in their countries.

11. Mr. YOUNAS KHAN (Pakistan) said that his delegation had also joined the consensus on draft resolution E/CN.4/1994/L.39/Rev.1 and that his country was opposed to all forms of terrorism, wherever encountered. However, Pakistan felt that the use of brute force by States to compel subjugated peoples to accept colonial or foreign domination or foreign occupation was the worst form of terrorism, in accordance with the spirit of General Assembly resolution 46/51. That had also been the point of view expressed by the Conference of Heads of State or Government of Non-Aligned Countries, held at Jakarta in 1992. In that regard, he noted with satisfaction that, in introducing the draft resolution, the representative of Peru had referred to General Assembly resolution 48/122, thus providing a reminder that, when the representative of Turkey had introduced the draft resolution, he had stated that its contents were in no way prejudicial to the right of peoples under colonial or foreign domination, or foreign occupation, to take all measures in accordance with the Charter of the United Nations to realize their inalienable right to self-determination.

12. Mr. SANHUEZO (Chile) said that his delegation had voted in favour of draft resolution E/CN.4/1994/L.57 (Human rights and unilateral coercive measures) because none of its provisions called into question the legitimacy of the measures taken by certain States in solidarity with peoples which were the victims of systematic violations of their human rights.

13. Mr. STROHAL (Austria), referring to draft resolution E/CN.4/1994/L.75/Rev.1 (Effective functioning of the various mechanisms established for supervising, investigating and monitoring the implementation of the treaty obligations entered into by States in regard to human rights and the implementation of the existing international standards in this regard), said that his delegation appreciated the efforts of all the delegations which had participated in the negotiations, including the Cuban delegation. The resolution was certain to further improve human rights mechanisms. Austria also encouraged the Chairman to pursue his efforts to restructure the agenda.

14. Mrs. RAMLI (Malaysia) said that her country had joined the consensus on draft resolution E/CN.4/1994/L.68/Rev.1 (National institutions for the promotion and protection of human rights) but wished to stress that national institutions were not a panacea for solving all the problems in that area.

15. Mr. MARUYAMA (Japan) said that his delegation had voted against draft resolution E/CN.4/1994/L.76 (Composition of the staff of the Centre for Human Rights). The draft resolution referred only to the second part of Article 101, paragraph 3, of the Charter of the United Nations. Japan felt that the draft resolution should also have taken into account the first part of the paragraph, which stated that "the paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity". Moreover, not all developing countries were underrepresented on the staff of the Centre for Human Rights. The draft resolution, therefore, did not entirely reflect reality. The question should be considered in the context of the United Nations as a whole, not only that of the Centre for Human Rights.

16. With regard to draft resolution E/CN.4/1994/L.68/Rev.1 (National institutions for the promotion and protection of human rights), he felt that the national institutions should be financed under the regular budget of the Programme of Advisory Services and Technical Assistance rather than from voluntary contributions.

17. Mr. WARNKEN (Germany) said that his delegation had joined the consensus on draft resolution E/CN.4/1994/L.39/Rev.1 (Human rights and terrorism); however, like the United Kingdom representative, he felt that, even when a Government was faced with terrorism, it had the responsibility to ensure respect for human rights on its territory.

18. Mr. DESSER (Austria) said that his delegation had voted against draft resolution E/CN.4/1994/L.57 (Human rights and unilateral coercive measures) because Austria felt that coercive measures should be considered in United Nations forums other than the Commission.

19. Miss KAYALI (Syrian Arab Republic) said she hoped that the consensus on draft resolution E/CN.4/1994/L.75/Rev.1 (Effective functioning of the various mechanisms established for supervising, investigating and monitoring the implementation of the treaty obligations entered into by States in regard

to human rights and the implementation of the existing international standards in this regard) would in no way prevent the Chairman of the Commission from continuing his efforts with regard to the restructuring of the agenda.

20. Mr. CHAKRAVARTI (India) said that his delegation had joined the consensus on draft resolution E/CN.4/1994/L.72/Rev.1 (Internally displaced persons) but stressed the fact that the internal displacement of persons had many causes, which sometimes had nothing to do with human rights violations - for example, natural disasters or, simply, underdevelopment.

The meeting rose at 4.50 p.m.